

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Cardional Anna Vines Carter,	:	
Plaintiff,	:	
v.	:	Case No. 2:12-cv-1152
Riverside Methodist Hospital, et al.,	:	JUDGE ALGENON L. MARBLEY Magistrate Judge Kemp
Defendants.	:	

ORDER

This matter is before the Court on a notice of appeal filed by plaintiff Cardional Anna Vines Carter. The Court will construe this notice of appeal as Ms. Carter's objection to a Report and Recommendation issued by the Magistrate Judge on December 19, 2012. The Court, having reviewed the record de novo, finds for the reasons set out below that the objection to the Report and Recommendation is without merit. For the following reasons, Petitioner's objection will be **OVERRULED** and the Report and Recommendation will be **ADOPTED** in its entirety.

I.

When objections are received to a Magistrate Judge's Report and Recommendation on a dispositive matter, the assigned District Judge "shall make a de novo determination ... of any portion of the magistrate judge's disposition to which specific written objection has been made" Fed. R. Civ. P. 72(b). After review, the District Judge "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id.*; see also 28 U.S.C. §636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991).

II.

In the Report and Recommendation, the Magistrate Judge recommended that this case be dismissed as frivolous under 28 U.S.C. §1915(e)(2) because of the complaint's failure to address

the basis of this Court's jurisdiction. The Magistrate Judge concluded that no federal-law based claim was alleged in the complaint and that no basis for diversity jurisdiction existed. Ms. Carter's notice of appeal contains no basis for concluding that the Magistrate Judge erred in reaching these conclusions. Consequently, the Report and Recommendation will be adopted and affirmed.

III.

For the foregoing reasons, plaintiff's notice of appeal (#6), construed as an objection is OVERRULED. The Report and Recommendation (#4) is ADOPTED and AFFIRMED. This action is hereby DISMISSED as frivolous under 28 U.S.C. §1915(e)(2).

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge